

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Please amend claims 2, 6-9, 24, 28-30, 46, 50-52, 87 and 91-93 so that the pending claims read as follows:

1. (Canceled)

2. (Currently Amended) A system for determining a charge in connection with a data communication session, comprising:

a wireless device capable of communicating within a network; and

a data rating application residing in the wireless device;

wherein the data rating application ~~is configured to~~ determines the actual charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method;

wherein the units of measure include the quantity of bytes, quantity of data packets and/or the connection involved in the communication .

3. (Previously Presented) The system according to claim 2 wherein the wireless device is a mobile phone.

4. (Previously Presented) The system according to claim 2 wherein the charge is based upon the quantity of bytes or data packets communicated.

5. (Previously Presented) The system according to claim 2 wherein the charge includes a flat rate for each connection.

6. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to update an account balance relating to the wireless device.

7. (Currently Amended) The system according to claim 6 wherein the account balance resides in the wireless device.

8. (Currently Amended) The system according to claim 6 wherein the account balance resides at a location external to the wireless device.

9. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to detect one or more of a plurality of events which takes place during the course of setting up the data communication session;

wherein the one or more events is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the event is either the network or the wireless device.

10. (Previously Presented) The system according to claim 2 wherein the data rating application is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

11. (Previously Presented) The system according to claim 2 wherein the data rating application is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

12. (Previously Presented) The system according to claim 2 wherein the data rating application resides on a smart card which is attachable to the wireless device.

13. (Previously Presented) The system according to claim 2 wherein the wireless device includes a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure based on which one of the plurality of additional applications residing in the wireless device will be using data received by the wireless device during the data communication session.

14. (Previously Presented) The system according to claim 2 wherein the charge is based on usage of data received during the data communication session.

15. (Previously Presented) The system according to claim 14 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

16. (Previously Presented) The system according to claim 2 wherein the charge is based on source of data received by the wireless device during the data communication session.

17. (Previously Presented) The system according to claim 2 wherein the charge is based on service level selected for the data communication session.

18. (Previously Presented) The system according to claim 17 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

19. (Previously Presented) The system according to claim 2 wherein the charge is based on service level achieved during the data communication session.

20. (Previously Presented) The system according to claim 2 wherein the charge is based upon the connection method.

21 - 23. (Canceled)

24. (Currently Amended) A wireless device for determining a charge in connection with a data communication session, comprising:

a data rating application residing on said wireless device which ~~configured to~~ determines the actual charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or the connection involved in the communication; and

wherein the wireless device is configured to communicate within a network.

25. (Previously Presented) The wireless device according to claim 24 wherein the wireless device is a mobile phone.

26. (Previously Presented) The wireless device according to claim 24 wherein the charge is based upon the quantity of bytes or data packets communicated.

27. (Previously Presented) The wireless device according to claim 24 wherein the charge includes a flat rate for each connection.

28. (Currently Amended) The wireless device according to claim 24 wherein the data rating application is configured to update an account balance relating to the wireless device.

29. (Currently Amended) The wireless device according to claim 28 wherein the account balance resides in the wireless device.

30. (Currently Amended) The wireless device according to claim 28 wherein the account balance resides at a location external to the wireless device.

31. (Previously Presented) The wireless device according to claim 24 wherein the data rating application is configured to detect one of a plurality of events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the event is either the network or the wireless device.

32. (Previously Presented) The wireless device according to claim 24 wherein the data rating application is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

33. (Previously Presented) The wireless device according to claim 24 wherein the data rating application is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

34. (Previously Presented) The wireless device according to claim 24 wherein the data rating application resides on a smart card which is attachable to the wireless device.

35. (Previously Presented) The wireless device according to claim 24 wherein the wireless device includes a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure based on which one of the plurality of additional applications residing in the wireless device will be using data received by the wireless device during the data communication session.

36. (Previously Presented) The wireless device according to claim 24 wherein the charge is based on usage of data received during the data communication session.

37. (Previously Presented) The wireless device according to claim 36 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

38. (Previously Presented) The wireless device according to claim 24 wherein the charge is based on source of data received by the wireless device during the data communication session.

39. (Previously Presented) The wireless device according to claim 24 wherein the charge is based on service level selected for the data communication session.

40. (Previously Presented) The wireless device according to claim 39 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

41. (Previously Presented) The wireless device according to claim 24 wherein the charge is based on service level achieved during the data communication session.

42. (Previously Presented) The wireless device according to claim 24 wherein the charge is based upon the connection method.

43 - 45 (Canceled)

46. (Currently Amended) A smart card configured to cooperate with a wireless device capable of communicating with a network to determine a charge in connection with a data communication session, comprising:

a data rating application residing on said smart card which ~~configured to~~ determines the actual charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or connection involved in the communication; and

an interface configured to allow the smart card to communicate with the wireless device.

47. (Previously Presented) The smart card according to claim 46 wherein the wireless device is a mobile phone.

48. (Previously Presented) The smart card according to claim 46 wherein the charge is based upon the quantity of bytes or data packets communicated.

49. (Previously Presented) The smart card according to claim 46 wherein the charge includes a flat rate for each connection.

50. (Currently Amended) The smart card according to claim 46 wherein the data rating application is configured to ~~to~~ update an account balance relating to the wireless device.

51. (Currently Amended) The smart card according to claim 50 wherein the account balance resides in the smart card.

52. (Currently Amended) The smart card according to claim 50 wherein the account balance resides at a location external to the smart card.

53. (Previously Presented) The smart card according to claim 46 wherein the data rating application is configured to detect one of a plurality of events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the event is either the network or the wireless device.

54. (Previously Presented) The smart card according to claim 46 wherein the data rating application is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

55. (Previously Presented) The smart card according to claim 46 wherein the data rating application is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

56. (Previously Presented) The smart card according to claim 46 wherein the wireless device and/or the smart card include a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure based on which one of the plurality of additional applications residing in the wireless device and/or the smart card will be using data received by the wireless device during the data communication session.



57. (Previously Presented) The smart card according to claim 46 wherein the charge is based on usage of data received during the data communication session.

58. (Previously Presented) The smart card according to claim 57 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

59. (Previously Presented) The smart card according to claim 46 wherein the charge is based on source of data received by the wireless device during the data communication session.

60. (Previously Presented) The smart card according to claim 46 wherein the charge is based on service level selected for the data communication session.

61. (Previously Presented) The smart card according to claim 60 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

62. (Previously Presented) The smart card according to claim 46 wherein the charge is based on service level achieved during the data communication session.

63. (Previously Presented) The smart card according to claim 46 wherein the charge is based upon the connection method.

64 - 86. (Canceled)

87. (Currently Amended) A method for determining a charge in connection with a data communication session, comprising:

installing a data rating application in a wireless device capable of communicating within a network; and

causing the data rating application to determine the actual charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or connection involved in the communication.

88. (Previously Presented) The method of claim 87 wherein the wireless device is a mobile phone.

89. (Previously Presented) The method of claim 87 wherein the charge is based upon the quantity of bytes or data packets communicated.

90. (Previously Presented) The method of claim 87 wherein the charge includes a flat rate for each connection.

91. (Currently Amended) The method of claim 87 further comprising:  
causing the data rating application to update an account balance relating to the wireless device.

92. (Currently Amended) The method of claim 91 wherein the account balance resides in the wireless device.

93. (Currently Amended) The method of claim 91 wherein the account balance resides at a location external to the wireless device.

94. (Previously Presented) The method of claim 87 further comprising:  
  
prior to causing the data rating application to use the metering method and the rating method, causing the data rating application to detect one of a plurality of events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the event is either the network or the wireless device.

95. (Previously Presented) The method of claim 87 further comprising:

causing the data rating application to begin determining the charge upon detecting a begin event which takes place during the course of the data communication session;

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

96. (Previously Presented) The method of claim 87 further comprising:

causing the data rating application to end determining the charge upon detecting an end event which takes place during the course of the data communication session;

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

97. (Previously Presented) The method of claim 87 wherein the data rating application resides in a smart card which is attachable to the wireless device.

98. (Previously Presented) The method of claim 87, wherein the wireless device includes a plurality of additional applications residing therein, further comprising:

selecting the applicable rates and units of measure based on which one of the plurality of additional applications residing in the wireless device will be using data received by the wireless device during the data communication session.

99. (Previously Presented) The method of claim 87 further comprising:

selecting the charge based on usage of data received during the data communication session.

100. (Previously Presented) The method of claim 99, wherein the data received during the data communication session is a downloaded application, further comprising:

determining the charge based on occurrence or duration of usage of the downloaded application.

101. (Previously Presented) The method of claim 87 further comprising:

selecting the charge based on source of data received by the wireless device during the data communication session.

102. (Previously Presented) The method of claim 87 further comprising:

selecting the charge based on service level selected for the data communication session.

103. (Previously Presented) The method of claim 102 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

104. (Previously Presented) The method of claim 87 further comprising:

selecting the charge based on service level achieved during the data communication session.

105. (Previously Presented) The method of claim 87 wherein the charge is based upon the connection method.

106 -128. (Canceled)